

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Carrier Current Systems, including	)	ET Docket No. 03-104
Broadband over Power Line Systems	)	
	)	ET Docket No. 04-37
Amendment of Part 15 regarding new	)	
requirements and measurement	)	
guidelines for Access Broadband over	)	
Power Lines Systems	)	

**PETITION FOR RECONSIDERATION  
AMPERION, INC.**

Pursuant to Section 1.429 of the Federal Communications Commission (“FCC”) Rules, Amperion, Inc. hereby submits this petition for reconsideration of the *Report and Order* in the above referenced proceeding.<sup>1</sup> Amperion respectfully requests reconsideration of Section 15.615(a), requiring Access BPL operators to post information to the BPL database at least 30 days prior to initiation of service. Amperion generally supports the need for the BPL database but the requirement to post specific information to this database so far in advance raises operational issues that would basically defeat the purpose of sharing such information in a public format.

## **I. Introduction**

Amperion is very encouraged by the FCC's efforts to develop rules for the BPL industry that are balanced for all parties and that adequately protect against harmful interference, yet still promote the ongoing deployment of BPL equipment. The FCC and NTIA have both done extensive testing of BPL systems and from their experience, confirmed that the potential for harmful interference caused by this equipment is quite low. The rules further protect other users of the spectrum from potential interference by requiring mechanisms to quickly and efficiently mitigate interference should it occur.

## **II. The FCC should reconsider the requirement to provide information 30 days in advance of BPL operations.**

In the *Report and Order*, the Commission has set forth rules that require BPL operators to provide information for inclusion in the BPL database 30 days prior to initiation of any operation or service.<sup>2</sup> While Amperion understands the theoretical intent of this requirement, and certainly wishes to do everything it can to coordinate with local users of the spectrum, our extensive experience in deploying BPL equipment suggests that the rule as stated is not a practical reality. The difficulty is especially apparent when disclosing specific frequencies on which BPL operations are occurring. A BPL operator will often have to dynamically

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<sup>1</sup> *Carrier Current Systems, including Broadband over Power Line Systems*, Report and Order, ET Docket No. 04-37, 19 F.C.C.R. 21,265 (*"Report and Order"*).

<sup>2</sup> *Report and Order* at ¶85. See also 47 C.F.R. §15.615(a) (requiring BPL operators to provide the BPL database manager information on all existing Access BPL systems and

shift frequencies in order to not only maximize the efficiency of these operations, but also to mitigate potential interference as quickly and accurately as possible. For those reasons, the precise frequencies in a given deployment area are rarely known 30 days in advance; as a result, such a requirement for advanced notice may actually discourage BPL operators from shifting frequencies if this is later found to be a necessity. Such a change to the network operations might be interpreted as a requirement to discontinue service for 30 days. This obviously is the opposite of the intent of the rules that are supposed to encourage parties to work together.

This 30-day advance notice requirement was also not proposed in the NPRM, and it was only raised later in comments from the NTIA.<sup>3</sup> Because of these circumstances, affected parties were unable to file comments for the record regarding this rule. This requirement is the lone remaining issue which could perhaps unnecessarily upset the balance in the rules that the FCC and NTIA have otherwise achieved.

In addition, this rule is redundant to other requirements already included in the rules. BPL operators are already required to provide 30–

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all proposed Access BPL systems for inclusion into a publicly available data base, within 30 days prior to initiation of service.)

<sup>3</sup> Comments of National Telecommunications and Information Administration at vi, 8-11 (filed June 4, 2004) (explaining that advance notification would allow local radio operators to coordinate with BPL operations).

day advance notice to: Public Safety entities in local BPL deployment areas;<sup>4</sup> and the Federal government in prescribed consultation areas.<sup>5</sup>

Regarding other users of the spectrum in specific local areas, the FCC has already declined to extend similar considerations towards other licensed users, including amateur operations.<sup>6</sup>

### **III. Conclusion**

Amperion respectfully requests reconsideration of the rules to eliminate the 30-day advance notification requirement for the BPL database. Reconsideration of this rule will ensure the continuation of BPL networks that are deployed efficiently, while still providing adequate protection against the low potential of interference from BPL operations.

Amperion would also like to express its sincere appreciation to the FCC and NTIA for developing rules that will govern the BPL industry in a very fair and balanced manner. We believe that the tremendous amount of time, effort and detailed analysis that the parties spent to create these rules was well worth it and creates a level playing field that protects licensed users from interference while still promoting the ongoing

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<sup>4</sup> 47 C.F.R. §15.615(e) (requiring BPL operators to provide the same information as disclosed on the BPL database to public safety users in areas where BPL deployments are planned at least 30 days prior to the initiation of any operations or service.)

<sup>5</sup> 47 C.F.R. §15.615(f)(3) (requiring BPL operators to provide notification to a specified point of contact for Federal government operations in defined consultation areas, at least 30 days prior to initiation of any operation or service.)

<sup>6</sup> *See Report and Order* at ¶53 (declining to establish “Access BPL-free zones around airports, military bases, hospitals, police stations and fire stations” or to afford special protection to amateur radio frequencies, which it noted are often are used for “routine communications and hobby activities,” and which are sufficiently protected under the general Part 15 provisions.)

development of the BPL industry, one which will continue to benefit our country for a long time to come.

**WHEREFORE, THE PREMISES CONSIDERED**, Amperion is pleased to provide this Petition for Reconsideration of the *Report and Order*.

Respectfully submitted,

**Amperion**

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February 7, 2005